

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**CHRISTOPHER ZOMERFELD, :**

**Plaintiff : CIVIL ACTION NO. 3:22-192**

**v. : (JUDGE MANNION)**

**KILOLO KIJAKAZI,  
Commissioner  
of Social Security, :**

**Defendant :**

**O R D E R**

Pending before the court is the August 17, 2022 report of Magistrate Judge Carlson, which recommends that the *pro se* appeal of the plaintiff, Christopher Zomerfeld, of the decision of the Commissioner of Social Security denying the plaintiff's claims for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act, be dismissed for failure to prosecute pursuant to Fed.R.Civ.P. 41(b). (Doc. 22). To date, neither the plaintiff nor the Commissioner has filed objections to the report, and the time within which to do so has expired. Upon review, the report of Judge Carlson will be adopted in its entirety.

When no objections to a report and recommendation are filed, the court should, as a matter of good practice, "satisfy itself that there is no clear error

on the face of the record in order to accept the recommendation.” Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

In his report, Judge Carlson finds that all of the Poulis factors “weigh heavily” in support of the dismissal of this case. Since the report correctly analyzes the Poulis factors regarding plaintiff’s conduct in this case, this analysis is not repeated herein. The court has reviewed the record and finds no clear error with regard to Judge Carlson’s findings with respect to the plaintiff’s failure to prosecute his action. Moreover, the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his report. As such, the court will adopt the report and recommendation of Judge Carlson as the decision of the court.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Carlson, (**Doc. 22**), is  
**ADOPTED IN ITS ENTIRETY**, as the ruling of the court.

- (2) The plaintiff's appeal, (Doc. 1), is **DISMISSED WITHOUT PREJUDICE** due to the plaintiff's failure to prosecute his case.
- (3) The Clerk of Court is directed to **CLOSE THIS CASE**.

*s/J Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: September 8, 2022**

22-192-01